

DECLARATION OF CATHERINE CAWLEY
UPHE v. Diesel Power Gear et al., 2:17-cv-00032-RJS-DBP

I, Catherine Cawley, declare that the following statements are true and correct to the best of my knowledge.

1. I am the Executive Director of Utah Physicians for a Healthy Environment (UPHE). I work for the Board of Directors of UPHE, over half of which is composed of medical doctors. The Board of Directors is UPHE's decision-making body. I work with the UPHE Board of Directors and volunteers to implement the Board's actions, positions and priorities.

2. UPHE is a non-profit organization of health care professionals and concerned citizens in Utah. UPHE was formed in 2007, and currently has approximately 3,000 newsletter subscribers. UPHE has an office and staff based in Salt Lake City, Utah.

3. UPHE is concerned about the health risks associated with air pollution, based on the compelling evidence in the medical literature that demonstrates a wide array of chronic diseases are more common among people who are exposed to higher concentrations of air pollution, particulates especially.

4. According to UPHE's by-laws,

UPHE has been organized to educate the public about and to advocate for clean air, healthy land and clean water. The UPHE is deeply concerned about the negative health effects when our air, land and water is fouled and/or polluted. UPHE may take positions, public or otherwise to promote the health of Utahns related to our land, air and water.

5. UPHE is very concerned about the levels of particulate matter smaller than 2.5 microns (PM_{2.5}) and ozone that exceed federal, health-based standards along the Wasatch Front in Utah. Diesel exhaust contributes to the concentration of both of these pollutants in the ambient air.

6. Consistent with its purpose, UPHE's Board of Directors decided in 2016 to bring a Clean Air Act citizen enforcement case against the defendants in *UPHE v. Diesel Power Gear et al.*, 2:17-cv-00032-RJS-DBP, to protect the public from the adverse health effects associated with excessive air pollution from illegally modified

diesel vehicles. To reduce the adverse health effects associated with this type of air pollution, UPHE's enforcement action seeks to stop the defendants permanently from illegally removing, defeating or rendering inoperable emissions control devices on diesel vehicles, to stop the defendants permanently from selling and/or installing illegal aftermarket emissions control defeat parts, to stop the defendants permanently from selling vehicles in which illegal emissions control defeat parts are installed, and to obtain a civil penalty as a deterrent, payable to the Federal Treasury, for each occurrence of the violations described above.

Signed under the penalties of perjury,



Catherine Cawley

Dated: 8/27/2017